

Serial No. : 10/803,726
Applicant : Philip J. Quenzi
Page 2

REMARKS

In the Office Action, the Examiner alleges that the present application includes claims directed at two patentably distinct inventions and restriction to election of a single invention is requested. The Office Action takes the position that claims 1-24 are drawn to a knife and that claims 25-52 are drawn to a patentably unrelated handheld multi-tool. The Office Action does not address claims 53-58, which depend from claim 52.

In Response, Applicant elects Group I for prosecution in the present application, which, as set forth at page 2 of the Office Action, comprise claims 1-24. In addition, the Restriction Requirement set forth by the Examiner with respect to claims 25-37, 49-51, and 52 of Group II is respectfully traversed.

Claim 25 is written in independent form with claims 26-37 depending therefrom. Claim 25 includes similar language as claim 1, but with the inclusion of a tool insertion socket and tool insertion member that are capable of use with the rotatable blade, blade lock, blade rotation member, and cam of claims 1 and 25. Claims 1 and 25, therefore, define the same essential characteristics of an embodiment of the present invention, although claim 1 is broader in scope. As such, restriction should not be required. See MPEP §806.03.

Furthermore, claim 25 is a combination that separately sets forth the details of the subcombination of claim 1 along with the broad addition of a tool insertion socket and tool insertion member. Claim 1 is thus an essential subcombination to the combination claimed in claim 25 and there is no evidence that claim 25 is patentable without the details of claim 1. Therefore, pursuant to MPEP §806.05(c) I, "[t]he inventions are not distinct and a requirement for restriction must not be made or maintained, even if the subcombination has separate utility."

Claim 52 is also written in independent form with claims 53-58 depending therefrom. Claim 52 includes similar language as claim 1, including a handle, rotatable blade, a blade lock having a blade locking member, and a cam. Claim 52, however, does not specify a tool insertion member or socket. Claims 1 and 52, therefore, are different definitions of the same disclosed subject matter, varying only in breadth or scope of definition, such that restriction should not be required. See MPEP §806.03.

Serial No. : 10/803,726
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Page 3

Finally, claims 49-51, which depend from claim 38 also include language directed toward a device having a rotatable blade, a blade lock, a cam, and a blade rotation member.

Applicant respectfully submits that claims 25-37, 52-58, and 49-51 are not directed at a patentably unrelated invention relative to claims 1-24 and, therefore, should remain in the present application and be considered and allowed with the elected claims.

Should the Examiner have any questions or need further information, the Examiner is respectfully requested to contact the undersigned counsel for Applicant at the address and number set forth below.

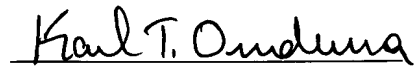
Accordingly, in view of the above election of claims 1-24 and the above remarks suggesting that claims 25-37 and 49-58 should remain and be considered in the present application, an action on the merits of claims 1-37 and 49-58 with a Notice of Allowance, therefore, is respectfully requested.

Respectfully submitted,

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By: Van Dyke, Gardner, Linn &
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